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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,476	03/13/2000	Carl Robert Posthuma	22/LUC-144	6933
32205	7590	10/04/2004	EXAMINER	
PATTI & BRILL ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/524,476	POSTHUMA, CARL ROBERT <i>M</i>
	Examiner	Art Unit
	Roberta A Stevens	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,6-17,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,6-17,39 and 40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Finality has been withdrawn and the following rejection applies.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On line 10, Examiner is unsure what is meant by “signalsThe system of claim 1,”

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 6-17, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chellali (U.S. 6201830 B1) in view of Chen (U.S. 5970088).

3. Regarding claims 1 and 39, Chellali teaches (figure 4) a system for providing data communications between a first DSL data device and a network switch comprising: a pilot branch for communicating with the first data device via pilot signals when the data device is in a sleep mode (column4, lines 26-53); a data branch for providing data communications between

the first data device and the network switch when the first data device is active (column 4, lines 54-67).

4. Chellali does not teach a controller circuit for monitoring the pilot signals and for switching the first DSL data device from the pilot branch to the data branch when the first DSL data device becomes active based on the pilot signal and a cross-point device for switching the a first DSL data device from the pilot branch to the data branch and switching the second DSL device from the data branch to the pilot branch when the first DSL data device is switched from the pilot branch to the data branch in response to the controller; and wherein the controller circuit monitors operations of the second device and, based on the monitored operation, instructs the cross-point device to switch the second device.

5. Chen teaches (figs. 2A and 2B) a controller circuit for monitoring the pilot signals and for switching the first DSL data device from the pilot branch to the data branch when the first DSL data device becomes active based on the pilot signal and a cross-point device for switching the a first DSL data device from the pilot branch to the data branch and switching the second DSL device from the data branch to the pilot branch when the first DSL data device is switched from the pilot branch to the data branch in response to the controller; and wherein the controller circuit monitors operations of the second device and, based on the monitored operation, instructs the cross-point device to switch the second device (col. 9, lines 14- 67). It would have been obvious to one of ordinary skill in this art to adapt to Chellali's system Chen's monitoring circuit for detecting active status of the DSL data device using pilot signals to maintain a synchronous system.

6. Regarding claim 6, Chen teaches (col. 9, lines 14- 67) the controller circuit detects when the second DSL data device is inactive and instructs the cross-point device to switch the second DSL data device from the data branch to the pilot branch when the second DSL data device is inactive. .

7. Regarding claim 7, Chellali teaches (figure 4) a receiver grid for switching data communications received from the first DSL data device to the network switch from the pilot branch to the data branch; and a transmit grid for switching data communications transmitted from the network switch to the first DSL data device from the pilot branch to the data branch (col. 4, lines 26-53).

8. Regarding claim 8, Chellali does not teach instructing the receiver grid and the transmit grid to switch the data communications based on the pilot signals.

9. Chen teaches (fig. 2A and 2B) instructing the receiver grid and the transmit grid to switch the data communications based on the pilot signals (col. 9, lines 14-67). It would have been obvious to one of ordinary skill in this art to adapt to Chellali's system Chen's monitoring circuit for detecting active status of the DSL data device using pilot signals to maintain a synchronous system.

10. Regarding claim 9, Chellali teaches (abstract) using single tone pilot signals.

Art Unit: 2665

11. Regarding claims 10, Chellali teaches (figure 4) a system for routing data transmitted over a subscriber line that couples a communication interface and an interface circuit comprising: a pilot circuit transmitter for transmitting a pilot signal to the communication interface and a cross-point circuit for receiving a wake up signal in response to the pilot signal from the interface circuit (column 4, lines 54-67).

12. Chellali does not teach a controller for determining a route of the wake-up signal and for instructing the cross-point circuit to transmit the wake-up signal in accordance with the determined route

13. Chen teaches (col. 9, lines 14-67) a controller for determining a route of the wake-up signal and for instructing the cross-point circuit to transmit the wake-up signal in accordance with the determined route. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt to Chellali's system Chen's controller to ensure that data is transmitted to the proper destination.

14. Regarding claim 11, Chellali teaches (abstract) using single tone pilot signals.

15. Regarding claims 12, Chen teaches (col. 9) a data branch for switching data communications between the communications interface and the circuit; and the controller connects the cross-point circuit to transmit the wake-up signal to data branch to establish the data communications.

16. Regarding claim 13, Chellali teaches (figure 4) a XDSF transmitter for transmitting the data communications from the communication interface to the interface circuit; and a XDSL receiver for receiving the data from the interface circuit via the communications interface.

17. Regarding claim 14 Chellali teaches (abstract) DSL communications.

18. Regarding claim 15, Chellali (abstract) teaches ADSL.

19. Regarding claim 16, as for ADSL lite, it would have been obvious to one of ordinary skill in the art to adapt to Chellali and Mueller's system, as it is well known in the art.

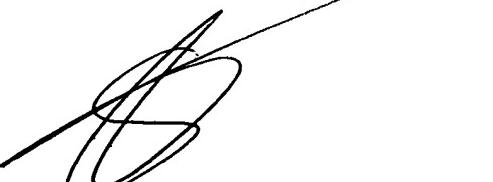
20. Regarding claim 17, Chellali teaches (abstract) high speed DSL communications.

21. Regarding claim 40, Chellali teaches (figure 4) the pilot circuit transmits the pilot signal only while in sleep mode.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER